

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MR. RENE DALLAS EDWARDS,

Plaintiff,

v.

CAROLYN W. COLVIN,
ACTING COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Civil No. 13-7731 (NLH)

MEMORANDUM
OPINION AND ORDER

APPEARANCES:

MR. RENE DALLAS EDWARDS
Appearing *pro se*

LAUREN ELIZABETH MYERS
SOCIAL SECURITY ADMINISTRATION
OFFICE OF THE GENERAL COUNSEL
26 FEDERAL PLAZA
ROOM 3904
NEW YORK, NY 10278
On behalf of defendant

HILLMAN, District Judge

This matter having come before the Court pursuant to the complaint filed by plaintiff, Mr. Rene Dallas Edwards, against the Social Security Administration seeking disability benefits that he believes he is entitled to; and

When plaintiff filed his complaint, he was incarcerated and no longer receiving the disability benefits he had been receiving prior to his incarceration for over twelve years; and

Plaintiff complaining that he required the benefits while

in prison because of the dearth of basic services provided by the prison due to his inability to pay for additional services; and

Plaintiff also complaining that because he was assaulted by another inmate he has become even more disabled; and

The SSA Commissioner having filed a motion to dismiss plaintiff's complaint, pointing out that pursuant to 42 U.S.C. § 402(x)(1)(A), "no monthly benefits shall be paid under this section or under section 423 of this title to any individual for any month ending with or during or beginning with or during a period of more than 30 days throughout all of which such individual-(i) is confined in a jail, prison, or other penal institution or correctional facility pursuant to his conviction of a criminal offense"; and

The SSA Commissioner also having also pointed out that to the extent that plaintiff was challenging any decisions made by the SSA, he is required to exhaust his administrative remedies before he can bring an action in federal court regarding the SSA's decisions, and plaintiff has not done so, see 42 U.S.C. § 402(g) ("Any individual, after any final decision of the Commissioner of Social Security made after a hearing to which he was a party, irrespective of the amount in controversy, may obtain a review of such decision by a civil action commenced within sixty days after the mailing to him of notice of such

decision or within such further time as the Commissioner of Social Security may allow. Such action shall be brought in the district court of the United States for the judicial district in which the plaintiff resides."); and

The SSA Commissioner also having noted that except as provided by § 402(g), plaintiff is barred from bringing suit against the SSA, see 42 U.S.C. § 402(h) ("The findings and decision of the Commissioner of Social Security after a hearing shall be binding upon all individuals who were parties to such hearing. No findings of fact or decision of the Commissioner of Social Security shall be reviewed by any person, tribunal, or governmental agency except as herein provided. No action against the United States, the Commissioner of Social Security, or any officer or employee thereof shall be brought under section 1331 or 1346 of Title 28 to recover on any claim arising under this subchapter."); and

The Court recognizing that plaintiff feels that he requires the reinstatement of his benefits, along with increased benefits due to his greater disability; but

The Court finding that plaintiff's current complaint is not the appropriate vehicle to obtain redress for his concerns and requests, because §§ 402(x)(1)(A), 402(g), and 402(h)

require the dismissal of plaintiff's complaint;¹

Accordingly,

IT IS on this 27th day of July, 2015

ORDERED that defendant's motion to dismiss plaintiff's complaint [12] be, and the same hereby is, GRANTED; and it is further

ORDERED the other pending motions [2, 4, 13, 16, 25] are DENIED AS MOOT; and it is further

ORDERED that the Clerk of the Court shall mark this matter as CLOSED.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.

¹ Plaintiff is encouraged to contact the SSA with regard to his disability benefits. By way of letter on July 13, 2015, the SSA Commissioner noted that plaintiff was to be released from prison within a few days, and indicated that "Plaintiff may be eligible for Social Security benefits after he is released. For more information, Plaintiff may call Social Security's toll-free telephone number 1-800-772-1213 to schedule an appointment with a representative. He can also visit the website <http://www.ssa.gov/reentry/> for information on Social Security benefits after incarceration." (Docket No. 24 at 1.)